

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

EDWIN RODRIGUEZ,

Plaintiff,

9:20-cv-0556 (BKS/TWD)

v.

JJ LANDRY and C.O. WHITE,

Defendants.

Appearances:

Plaintiff, pro se:

Edwin Rodriguez

04-A-3404

Riverview Correctional Facility

PO Box 247

Ogdensburg, NY 13669

For Defendants:

Letitia James

Attorney General of the State of New York

Konstandinos D. Leris, Esq.

Assistant Attorney General

New York State Attorney General's Office

The Capitol

Albany, NY 12224

Hon. Brenda K. Sannes, United States District Judge:

MEMORANDUM-DECISION AND ORDER

Plaintiff Edwin Rodriguez, a New York State inmate, commenced this action under 42 U.S.C. § 1983 asserting claims arising out of his incarceration in New York State correctional facilities. (Dkt. No. 1). On August 17, 2020, Defendants filed a motion for summary judgment seeking dismissal of all claims based upon Plaintiff's failure to exhaust administrative remedies. (Dkt. No. 10). Plaintiff filed a response in opposition to the motion on August 26, 2020, (Dkt.

No. 13), and Defendants filed a reply on August 31, 2020, (Dkt. No. 14). This matter was referred to United States Magistrate Judge Thérèse Wiley Dancks who, on October 26, 2020, issued a Report-Recommendation recommending that Defendants' motion for summary judgment be granted and that Plaintiff's complaint be dismissed with prejudice. (Dkt. No. 15). Magistrate Judge Dancks advised the parties that under 28 U.S.C. § 636(b)(1), they had fourteen days within which to file written objections to the report, and that the failure to object to the report within fourteen days would preclude appellate review. (Dkt. No. 15, at 15).

No objections have been filed. As no objections to the Report-Recommendation have been filed, and the time for filing objections has expired, the Court reviews the Report-Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 229 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment. Having reviewed the Report-Recommendation for clear error and found none, the Court adopts the Report-Recommendation in its entirety.

For these reasons, it is


ORDERED that the Report-Recommendation (Dkt. No. 15) is **ADOPTED** in its entirety; and it is further

ORDERED that Defendants' motion for summary judgment (Dkt. No. 10) is **GRANTED** and Plaintiff's complaint (Dkt. No. 1) is **DISMISED with prejudice** for failure to exhaust administrative remedies; and it is further

ORDERED that the Clerk serve a copy of this Order upon the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: November 17, 2020
Syracuse, New York


Brenda K. Sannes
U.S. District Judge